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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/899,324	07/05/2001	Ramesh Keshavaraj	3043A	2602

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EXAMINER	
LUBY, MATTHEW D	

ART UNIT	PAPER NUMBER
3611	

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/899,324	Applicant(s) KESHAVARAJ, RAMESH
	Examiner Matt Luby	Art Unit 3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 April 2003* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13-18,22,25 and 26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13-18, 22, 25 and 26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *05 July 2001* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 7 .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Specification

1. 35 U.S.C. 112, first paragraph, requires the specification to be written in "full, clear, concise, and exact terms." The specification is replete with terms which are not clear, concise and exact. The specification should be revised carefully in order to comply with 35 U.S.C. 112, first paragraph. Examples of some unclear, inexact or verbose terms used in the specification are the limitations: "effective fabric weight factor" and "effective fabric usage factor" (page 8).

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claims 15-18, 22, 25 and 26 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Applicant's disclosure does not provide enough support for the limitation: "wherein said airbag cushion possesses an effective fabric weight factor of about 8.0 or less" (claim 15). Applicant's specification does not make clear what this term means and therefore the limitation is not described in the specification in such a

way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

> **The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.**

5. Claims 15-18, 22, 25 and 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

6. The limitation "wherein said airbag cushion possesses an effective fabric weight factor of about 8.0 or less" (claim 15) is vague and indefinite. Firstly, this limitation is vague because it is unclear what is intended by the limitation "about" (namely, how close to 8.0 does "about" mean for the effective fabric weight factor. Secondly, from the claim it is unclear what the effective fabric weight factor actually is and what units it is measured in. Thirdly, it is unclear what is meant by the limitation "effective". Furthermore, there are no units shown and therefore it is impossible to determine what types of physical characteristics this "factor" depends upon. (Examiner, after consulting with others in the textile arts, has also concluded that the phrase "effective fabric weight factor" is not an art recognized term.)

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> **A person shall be entitled to a patent unless –**

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. Claims 13 and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Bunker et al. (5,667,241).

9. Bunker et al. disclose a method of forming an airbag cushion comprising cutting at least one slit/notch/opening (36) and closing the slit/notch/opening with a seam (col. 4, line 63 - col. 5, line 11) to create an offset (shown clearly in Figure 6).

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

11. Claims 15-18, 22, 25 and 26, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Bunker et al. in view of AAPA (Applicant's Admitted Prior Art).

12. Bunker et al. disclose an airbag cushion for a vehicle restraint system having at least two fabric panels (40 and 42) connected with substantially straight seams (52, 50), an offset (shown clearly in Figure 6) created by closing a slit/notch/opening (36) with a seam (col. 4, line 63 - col. 5, line 11) and a fabric utilization of at least 90% (the entire cushion of the airbag is used in this case (as seen in Figures 5 and 6, so the fabric utilization is 100%). Bunker et al. do not specifically disclose an "effective fabric weight

factor of about 3.0 or 8.0 or less. AAPA disclose an airbag fabric weight factor of about 3.0 or 8.0 or less (Tables 2 and 4, pages 20 and 22) in order to provide a desired airbag airspace volume, front panel protection area and/or sufficient overall protection for a passenger (page 21, lines 3-5). It would have been obvious to one of ordinary skill in the art at the time of the invention to make the airbag with a fabric usage factor of about 8.0 or 3.0 or less in the Bunker et al. airbag as taught by AAPA in order to provide a desired airbag airspace volume, front panel protection area and/or sufficient overall protection for a passenger.

Response to Arguments

13. Applicant's arguments filed 4/7/03 have been fully considered but they are not persuasive.

14. Applicant traverses the 112, 2nd paragraph rejection of claim 15 by citing to the *Amgen* decision to apparently provide support for the phrase "at least about". By Applicant's own admission this holding found the phrase indefinite where there was close prior art. This is precisely why Examiner finds this phrase indefinite as well. There is close prior art here. It is Applicant's own Admitted Prior Art having effective fabric weight factors of about 3.0 or 8.0 or less. This is why the phrase "about 8.0" is subsequently unclear.

15. Applicant further apparently tries to provide support for the entire limitation "effective fabric weight factor". Contrary to Applicant's assertions on page 3, this phrase is most definitely not "carefully defined". After discussing the phrase both with the

supervisor of the art unit and examiners in the textile arts, the Examiner could still not figure out what this phrase means (with the support of Applicant's disclosure). Consequently, the specification is now also objected to and the 112, 2nd paragraph rejection stands.

16. Applicant finally apparently did not understand that Examiner thought it was obvious that Figure 6 of Bunker et al. clearly shows an offset.

17. In the 102 rejection of the last Office Action claim 14 was inadvertently omitted (although the subject matter thereof was clearly rejected and met by the rejection of claim 13.)

18. Due to the new 112, 1st rejection of claims 15-18, 22, 25 and 26 and the specification objections this action has been made non-final.

Conclusion

19. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matt Luby whose telephone number is (703) 305-0441. The examiner can normally be reached on Monday-Friday, 9:30 a.m. to 6:00 p.m..

21. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

22. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

Matt Luby
Examiner
Art Unit 3611

M.L.
July 2, 2003

LESLEY D. MORRIS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600